

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Eastern District of Arkansas

Central Division**FILED**
U. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAY 03 2021

JAMES W. McCORMACK, CLERK

By: [Signature] DEP CLERKJEWELLEAN MOORE
ARTHUR CARSON

Case No.

4:21-cv-352-DPM

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WANDA C. MERITT, HUD REGIONAL MANAGER,
AND TERMEKA HUBBARD, MANAGER FOR THE
COTTAGE APARTMENTS, AND ENVOLVE
MANAGEMENT CO.,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

This case assigned to District Judge Marshall
and to Magistrate Judge Volpe

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Jewellean Moore</u>
Street Address	<u>11401 MESA DR #D-232</u>
City and County	<u>LITTLE ROCK, AR. 72211, PULASKI COUNTY</u>
State and Zip Code	<u>72211</u>
Telephone Number	<u>501-247-9150</u>
E-mail Address	<u>moorejewellean@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

PARTIES TO THIS COMPLAINT CONTINUE

- I. **NAME: Arthur Carson**
11401 Mesa DR # D-232
Little Rock, AR 72211
501-240-34337
artcarson67@gmail.com

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name	WANDA C. MERITT
Job or Title <i>(if known)</i>	REGIONAL DIRECTOR-HUD
Street Address	425 Capitol Ave. #100
City and County	little Rock, Pulaski County
State and Zip Code	Arkansas, 72201
Telephone Number	501-918-5700
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Envolve Management CO.
Job or Title <i>(if known)</i>	Regional Manager-Envolve
Street Address	300 Spring Street #900
City and County	Little Rock, Pulaski
State and Zip Code	Arkansas, 72201
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Termeka Hubbard
Job or Title <i>(if known)</i>	Manager of the Cottage Apt.
Street Address	10436 W. 36th Street
City and County	Little Rock, AR (Pulaski)
State and Zip Code	72204
Telephone Number	501-225-5030
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 USC 2201, 42 USCA 3617-3619, 42 USCA 1437(o)(7), 24 CFR 982.310, 24 CFR 966.51

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
The Cottage Apartment

- B. What date and approximate time did the events giving rise to your claim(s) occur?
June 12, 2020
- _____

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
 On 11/3/2020, Jewellean Moore, and Arthur Carson's Hud Subsidies were arbitrarily taken, and caused the constructive eviction of both Tenant's, as Retaliation, because Carson filed several written complaints and lawsuit settlement against Management with Envolve Management Co., regarding Housing condition problems, Retaliation and extortion attempts by Termeka Hubbard. despite the fact each, Moore and Carson having to qualify seperately for HUD's Benefits, No independent due process were afforded Jewellean Moore, or Carson as required by Hud's Policies. Plaintiff Moore, whom required special accomodations because of Medical Disabilities, e.g., "Dyslexia, End Stage Kidney Disease, Hypertension", needed auxillary Aid, "Effective Communication Assistance" of Her Housing situation. On 9/17/20, without service to Moore or Carson, Defendant Hubbard, Retroactively increased Rent without notice, or 30 days given from increase, after another written complaint made to Envolve By Carson, Termeka Hubbard imposed reprisals, and falsified the payment Accounting ledgers.

**SEE ATTACHED PAGE OF FACTS*

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The Arbitrary deprivation of housing and HUD Subsidies during the Covid-19 Pandemic, despite the CDC 'S Moratorium on Eviction caused duress; and the Hud Apartment in question "The Cottage", are receiving a IRS Tax Credit based on their Requirement to adhere to HUD'S Due Process Requirements are denied to Tenants.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Declaratory Judgment, Reinstatement of Hud subsidies and Housing; and all else Equitable Relief this Court deem equitable.

FACTS-CONTINUE:

(A). Defendant Hubbard, The Cottage Apartment Manager, at NO time sought to discuss with With Plaintiff's Moore or Carson accurate information regarding their Housing, thereby Depriving them Rights as Third Party Beneficiary to the contract between Hud and Management, for Fair Housing without Retaliation.

(B). Defendant Hubbard, and Envolve, failed to accurately, truthfully detail Plaintiff Moore, And Carson's Move out date & Reason, in Hud's Form-50059A, thereby illegally collecting Hud's Rent payment portion of Rent for December 2020, when Moore and Carson had moved.

(C). Defendant Hubbard, resorted to tactics to constructively Evict Moore and Carson, e.g., "Refusal to provide Rent payment receipts, (Carson's written Complaint to Envolve September 8, 2020; Refusal to accept November 2020 Rent Payment)".thereby Evicting Moore and Carson During the time Center For Disease Moratorium against Eviction during the Covid-19 Pandemic, while Both Plaintiff's Age, and Health Status, left them unreasonably susceptible.

(D). Falsifying Accounting Ledger to extort "SO-Called due Back Rent of \$686.00." June 12,- 2020, after Carson's written Complaint to Envolve June 2, 2020, yet Hud's Procedurals were Not adhered to for any "SO-Call" back Rent owed, (Notice, & Hearing, Opportunity to review The Records, or make payment arrangements on legitimate back rent due."

(E). Defendant Wanda Meritt, has ignored Carson's complaints against The Cottage Apartments

And failed to intervene or enforce Hud's Due Process Mandate. This failure to act were Indifferent of Moore and Carson's Health and Safety, and allowed an eviction contrary to Their Lease, Hud Guidelines and contract between all Parties.

(F). Defendant Envelope, has Failed to adequately, or Properly Supervise Termeka Hubbard, By allowing Her to run amok, " Falsifying documents, Retaliation, Use of Self Help Eviction Tactics".

(G). Defendant Meritt and Envelope knew, or should have known from the Number of Complaints against Defendant Hubbard, a problem existed, yet failed to Act.

(H). Defendant Envelope has allowed Termeka Hubbard to create separate accounting Ledgers, concealed from Hud, IRS.

(I). Defendant Meritt, and Envelope, failure to properly Supervise Termeka Hubbard, or Establish a Reprisal free grievance apparatus for Tenants to file written complaints Against Hud Housing Providers are the proximate cause of harm to Moore and Carson.

(J). The Cottage Apartment are enjoying Tax Credits based on their Non- Compliance with Hud's Due Process Requirements, thereby Circumventing and Violating Plaintiff's Rights As Third Party Beneficiaries.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/3/2021

Signature of Plaintiff

Printed Name of Plaintiff

Jewelllean Moore / Arthur Carson
Jewelllean Moore / ARTHUR CARSON

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address